

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ANGEL LUIS OTERO, JR.,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

No. 20-CV-5704 (KMK)

ORDER ADOPTING REPORT &  
RECOMMENDATION

KENNETH M. KARAS, United States District Judge:

On March 8, 2023, Mr. Charles Binder, Plaintiff Angel Luis Otero Jr.’s attorney, filed a motion (the “Motion”) seeking \$23,904.50 in attorney’s fees pursuant to 42 U.S.C. § 406(b). (Dkt. No. 23.) On March 29, 2023, the Commissioner of Social Security (“Defendant”) filed a response in her limited role “resembling that of a trustee for the claimant[ ].” (Dkt. No. 26 (“Def.’s Ltr.”) at 1 (quoting *Gisbrecht v. Barnhart*, 535 U.S. 789, 798 n.6 (2002).) Defendant did not take a specific position with respect to the fee request, and instead “respectfully defer[red] to the Court to determine the reasonableness of the requested fee under these circumstances.” *Id.* at 3. On March 31, 2023, this Court referred the Motion to Magistrate Judge Andrew E. Krause. (Order of Reference (Dkt. No. 27).)

On May 2, 2023, Judge Krause issued a Report and Recommendation (“R&R”) recommending that this Court grant the Motion. (R. & R. (Dkt. No. 28).) Judge Krause provided notice that, pursuant to 28 U.S.C. § 636(b)(1), and Rule 72(b) and Rule 6(a) of the Federal Rules of Civil Procedure, objections to the R&R were due within 14 days from the service of the R&R, and that the failure to file objections within the relevant period of time

would result in a waiver of objections and preclude appellate review. (*Id.* at 8–9.) Defendant has not filed any objections. (*See generally* Dkt.)

When no objections are filed, the Court reviews an R&R on a dispositive motion for clear error. *See Goodall v. Von Blanckensee*, No. 17-CV-3615, 2020 WL 1082565, at \*1 (S.D.N.Y. 2020); *Andrews v. LeClaire*, 709 F. Supp. 2d 269, 271 (S.D.N.Y. 2010); *Eisenberg v. New Eng. Motor Freight, Inc.*, 564 F. Supp. 2d 224, 226 (S.D.N.Y. 2008). The Court has reviewed the Motion and R&R, and finding no substantive error, clear or otherwise, adopts the R&R.

Accordingly, it is hereby

ORDERED that the R&R, dated May 2, 2023, is ADOPTED in its entirety.

SO ORDERED.

Dated: June 7, 2023  
White Plains, New York

A handwritten signature in black ink, appearing to read 'KMK', with a stylized flourish underneath.

---

KENNETH M. KARAS  
United States District Judge